

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CATALDO PIRITO	:	CIVIL ACTION
	:	
	:	
v.	:	
	:	
PENN ENGINEERING WORLD	:	
HOLDINGS, et al.	:	NO. 09-2396

ORDER

AND NOW, this 16th day of May, 2013, upon consideration of plaintiff Cataldo Pirito's motion for summary judgment (docket entry # 117), defendants Penn Engineering World Holdings and Penn Engineering & Manufacturing Corp.'s motion for summary judgment (docket entry # 116), plaintiff's response and brief in opposition thereto (docket entry # 119), defendants' response and brief in opposition to plaintiff's motion to dismiss (docket entry # 120), plaintiff's reply (docket entry # 121), defendants' response in support of their motion for summary judgment (docket entry # 122), defendants' response to the Court's request for briefing on the effect of the January 16, 2013 decision of the Milan Court of Appeals (docket entry # 128), plaintiff's letter regarding the same (docket entry # 127), defendants' motion for costs (docket entry # 129), plaintiff's response in opposition thereto (docket entry # 131),

and defendants' motion for leave to file a reply brief in support of their motion for costs (docket entry # 132), and upon the analysis set forth in the accompanying Memorandum which supplements our prior ruling of December 22, 2011 (docket nos. 55 and 56), it is hereby ORDERED that:

1. Plaintiff's motion for summary judgment (docket entry # 117) is DENIED;

2. Defendants' motion for summary judgment (docket entry # 116) is GRANTED;

3. Counts I and IV of the Counterclaims are DISMISSED WITHOUT PREJUDICE;

4. Our Judgment confirming the September 18, 2009 arbitration award is made FINAL AND ENFORCEABLE in accordance with the Amended Judgment filed herewith pursuant to Fed. R. Civ. P. 58;

5. Defendants' motion for costs (docket entry # 129) is DENIED WITHOUT PREJUDICE;

6. Defendants' motion for leave to file a reply brief (docket entry # 132) is DENIED AS MOOT; and

7. The Clerk of Court shall CLOSE this case statistically.

BY THE COURT:

/s/ Stewart Dalzell, J.
Stewart Dalzell, J.